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& LIONE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Milan Mrksich et al.

U.S. Patent No. 7,172,905

Appln. No.: 09/923,760

Filed: August 7, 2001

For: POLYPEPTIDE IMMOBILIZATION

Attorney Docket No: 7814/45

Examiner: Mary Ceperley

Art Unit: 1641

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL

Sir:

## Attached is/are:

- ☒ Transmittal (in duplicate); Request For Reconsideration Of Patent Term Adjustment Pursuant to 37 C.F.R. §1.705(d) (3 sheets) (in duplicate); Exhibit A (50 pages); Exhibit B (1 page)
- ☒ Return Receipt Postcard.

## Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

|   |                                     |       |                                    |                  | Small Entity |           |    | Not a Small Entity |           |
|---|-------------------------------------|-------|------------------------------------|------------------|--------------|-----------|----|--------------------|-----------|
|   | Claims Remaining<br>After Amendment |       | Highest No.<br>Previously Paid For | Present<br>Extra | Rate         | Add'l Fee | or | Rate               | Add'l Fee |
| Total                                     |                                     | Minus |                                    |                  | x \$25=      |           |    | x \$50=            |           |
| Indep.                                    |                                     | Minus |                                    |                  | X100=        |           |    | x \$200=           |           |
| First Presentation of Multiple Dep. Claim |                                     |       |                                    |                  | +\$180=      |           |    | +\$360=            |           |
|   |                                     |       |                                    |                  | Total        | \$        |    | Total              | \$        |

## Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☒ Please charge Deposit Account No. 23-1925 in the amount of \$200.00. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Date

4/2/2007

Lisa M. Seaney, Ph.D. (Reg. No. 56,246)

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Date of Deposit

Name of applicant, assignee or  
Registered Representative

4/2/2004

04/04/2007 SDIRETA2 00000001 231925 7172905  
01 FC:1455 200.00 DA

term adjustment of **468** days. A copy of U.S. patent number **7,172,905** is included herewith as Exhibit A.

Applicant's Attorney believes that the patent term adjustment should be **533** days. For the reasons stated herein, reconsideration of this patent term adjustment is respectfully requested pursuant to 37 C.F.R. 1.705(d). Please charge the petition fee pursuant to 37 C.F.R. § 1.18(e) to Deposit Account No. 23-1925. Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

The patent term adjustment for U.S. patent number **7,172,905** was calculated by the U.S. Patent and Trademark Office based on activities and associated dates detailed in the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History, attached as Exhibit B. Applicant's Attorney believes that errors and/or omissions in the calculation and/or the PAIR system Patent Term Adjustment History may have resulted in an incorrect patent term adjustment for U.S. patent number **7,172,905** as described in detail below. Pursuant to 37 C.F.R §1.705(d), this request for reconsideration is being filed within two months of the issue date of the above-referenced patent. Note that U.S. patent number **7,172,905** is not subject to a terminal disclaimer.

Applicant disputes the calculation of delay for "Workflow - Drawings Finished" of December 4, 2006. The Patent and Trademark Office ascribed that applicant's delay for "Workflow - Drawings Finished" of December 4, 2006 was 65 days. However, no drawings or any other papers were filed on December 4, 2006. Therefore, applicant believes that the delay of 65 days attributed to the Applicant for "Workflow - Drawings Finished" of December 4, 2006 is incorrect.

**Total patent term adjustment**

For the present application, the total patent term adjustment pursuant to 37 C.F.R. § 1.703(f) is the period of adjustment pursuant to 37 C.F.R. § 1.703 reduced by any delay pursuant to 37 C.F.R. § 1.704. Thus, we believe that the patent term adjustment should be **913 days - 380 days = 533**, instead of the **468** days indicated on the issued patent number **7,172,905**.

It is respectfully asserted that the patent term adjustment determined by the U.S. Patent and Trademark Office for U.S. patent number **7,172,905** may not be correct. Accordingly, Applicant's Attorney respectfully requests the U.S. Patent and Trademark office to reconsider, and make revisions to the PAIR system Patent Term Adjustment History in view of the previous remarks. In addition, it is respectfully requested that the patent term adjustment be re-calculated by the U.S. Patent and Trademark Office in view of the above remarks. Office personnel are invited to contact Applicant's Attorney via telephone if such communication would be beneficial in fulfilling this request.

Respectfully submitted,



Lisa M. Seaney, Ph.D.  
Registration No. **56,246**  
Agent for Applicants

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## POLYPEPTIDE IMMOBILIZATION



|                 |                  |                     |                    |                         |                 |      |                     |                          |                      |
|-----------------|------------------|---------------------|--------------------|-------------------------|-----------------|------|---------------------|--------------------------|----------------------|
| Select New Case | Application Data | Transaction History | Image File Wrapper | Patent Term Adjustments | Continuity Data | Fees | Published Documents | Address & Attorney/Agent | Supplemental Content |
|-----------------|------------------|---------------------|--------------------|-------------------------|-----------------|------|---------------------|--------------------------|----------------------|

**Patent Term Adjustment**

|                              |            |   |     |
|------------------------------|------------|---|-----|
| Filing or 371(c) Date:       | 08-07-2001 | USPTO Delay (PTO) Delay (days):             | 913 |
| Issue Date of Patent:        | 02-06-2007 | Three Years:                                | -   |
| Pre-Issue Petitions (days):  | +0         | Applicant Delay (APPL) Delay (days):        | 445 |
| Post-Issue Petitions (days): | +0         | Total Patent Term Adjustment (days):        | 468 |
| USPTO Adjustment (days):     | +0         | <a href="#">Explanation Of Calculations</a> |     |

**Patent Term Adjustment History**

| Date       | Contents Description                                  | PTO(Days) | APPL(Days) |
|------------|---|-----------|------------|
| 01-17-2007 | PTA 36 Months   | 683       |            |
| 02-06-2007 | Patent Issue Date Used in PTA Calculation             |           |            |
| 01-02-2007 | Dispatch to FDC                                       | ↑         |            |
| 12-20-2006 | Application Is Considered Ready for Issue             | ↑         |            |
| 12-13-2006 | Issue Fee Payment Verified                            |           | 2          |
| 12-04-2006 | Workflow - Drawings Finished                          |           | 65         |
| 12-13-2006 | Issue Fee Payment Received                            |           | ↑          |
| 09-29-2006 | Sequence Forwarded to Pubs on Tape                    |           | ↑          |
| 09-11-2006 | Mail Notice of Allowance                              | 156       |            |
| 03-08-2006 | Notice of Allowance Data Verification Completed       | ↑         |            |
| 12-21-2005 | Date Forwarded to Examiner                            | ↑         |            |
| 12-08-2005 | Response after Non-Final Action                       |           | 29         |
| 12-08-2005 | Request for Extension of Time - Granted               |           | ↑          |
| 08-09-2005 | Mail Non-Final Rejection                              |           | ↑          |
| 08-05-2005 | Non-Final Rejection                                   |           |            |
| 05-19-2005 | Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received |           |            |
| 05-25-2005 | Date Forwarded to Examiner                            |           |            |
| 05-19-2005 | Response after Non-Final Action                       |           | 91         |
| 05-19-2005 | Request for Extension of Time - Granted               |           | ↑          |
| 03-04-2002 | Reference capture on IDS                              |           | ↑          |
| 04-28-2005 | IFW TSS Processing by Tech Center Complete            |           | ↑          |
| 04-18-2005 | Information Disclosure Statement (IDS) Filed          |           | ↑          |
| 02-22-2005 | Mail Examiner Interview Summary (PTOL - 413)          |           | ↑          |
| 02-18-2005 | Examiner Interview Summary Record (PTOL - 413)        |           | ↑          |
| 11-17-2004 | Mail Non-Final Rejection                              |           | ↑          |
| 11-15-2004 | Non-Final Rejection                                   |           |            |
| 09-08-2004 | Date Forwarded to Examiner                            |           |            |
| 07-20-2004 | Response after Non-Final Action                       |           | 97         |
| 07-20-2004 | Request for Extension of Time - Granted               |           | ↑          |
| 07-20-2004 | Workflow incoming amendment IFW                       |           | ↑          |
| 01-14-2004 | Mail Non-Final Rejection                              |           | ↑          |
| 01-13-2004 | Non-Final Rejection                                   |           |            |

|            |  |    |
|------------|--|----|
| 11-12-2003 | Date Forwarded to Examiner   |    |
| 10-31-2003 | Response after Non-Final Action  | 64 |
| 10-31-2003 | Request for Extension of Time - Granted  | ↑  |
| 05-28-2003 | Mail Non-Final Rejection   | ↑  |
| 05-28-2003 | Non-Final Rejection  |    |
| 05-28-2003 | Case Docketed to Examiner in GAU   |    |
| 04-14-2003 | Information Disclosure Statement (IDS) Filed   | 25 |
| 03-26-2003 | Date Forwarded to Examiner   | ↑  |
| 03-20-2003 | Response to Election / Restriction Filed   | ↑  |
| 03-20-2003 | Request for Extension of Time - Granted  |    |
| 12-20-2002 | Mail Restriction Requirement   | 74 |
| 12-19-2002 | Requirement for Restriction / Election   | ↑  |
| 03-04-2002 | Information Disclosure Statement (IDS) Filed   | ↑  |
| 07-18-2002 | Case Docketed to Examiner in GAU   | ↑  |
| 06-13-2002 | Application Dispatched from OIPE   | ↑  |
| 06-12-2002 | Application Is Now Complete  | ↑  |
| 02-28-2002 | Payment of additional filing fee/Preexam   | 72 |
| 02-28-2002 | A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic | ↑  |
| 09-18-2001 | Notice Mailed--Application Incomplete--Filing Date Assigned  | ↑  |
| 09-18-2001 | Correspondence Address Change  |    |
| 09-12-2001 | CRF Is Good Technically / Entered into Database  |    |
| 08-15-2001 | IFW Scan & PACR Auto Security Review   |    |
| 08-07-2001 | CRF Disk Has Been Received by Preexam / Group / PCT  |    |
| 08-07-2001 | Initial Exam Team nn   |    |

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*If you need help:*

- *Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail [EBC@uspto.gov](mailto:EBC@uspto.gov) for specific questions about Patent Application Information Retrieval (PAIR).*
- *Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).*
- *If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.*